

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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PARAGON DIGITAL LIFESTYLE INC.,

Plaintiff,

-against-

20 CIVIL 4725 (JMF)

**JUDGMENT**

ADAPTIVE MICRO-WARE, INC.,

Defendant.

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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Opinion and Order dated September 22, 2022, Adaptive's motion for summary judgment on the breach of contract claim is DENIED and DigiValet's cross-motion on that claim is GRANTED. As DigiValet effectively concedes, that means that its alternative claim for unjust enrichment, see ECF No. 1, ¶¶ 39-45, must be and is dismissed, see, e.g., *Mindspirit, LLC v. Evalueserve Ltd.*, 346 F. Supp. 3d 552, 594 (S.D.N.Y. 2018) ("If at summary judgment the court concludes that the contract at issue is valid and enforceable, then defendants are entitled to summary judgment on the unjust enrichment claim." (internal quotation marks omitted)); see also *Fed. Deposit Ins. Corp. v. Murex LLC*, 500 F. Supp. 3d 76, 120-21 (S.D.N.Y. 2020) (citing cases). Judgment is entered in DigiValet's favor on Count One in the amount of \$272,486 and in Adaptive's favor on Count Two; accordingly, the case is closed.

**Dated:** New York, New York

September 27, 2022

**RUBY J. KRAJICK**

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**Clerk of Court**

**BY:**

*K. mango*

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**Deputy Clerk**